

CITY OF HORSESHOE BAY

PLANNING AND ZONING COMMISSION NOTICE OF REGULAR PUBLIC MEETING

August 13, 2019

Notice is hereby given to all interested members of the public that the Horseshoe Bay Planning and Zoning Commission will hold a Regular Public Meeting on Tuesday, August 13, 2019 in the City Council Chambers at City Hall, #1 Community Drive, Horseshoe Bay, Llano County, Texas. The Regular Public Meeting will begin at 3:00 p.m. The agenda for the Regular Public Meeting is to discuss and/or act on the following:

1. Call the Meeting to Order and Establish a Quorum
2. Public Comments (Those who wish to speak are asked to limit their comments to three minutes)
3. Approval of Minutes of the July 2, 2019 Regular Meeting
4. Public Hearing and recommendation to City Council on a request to rezone all lots fronting on the west side of Cats Eye and all lots on Silica and Shale from R-2 Two Family Residential to R-1 Single Family Residential, for Lot Nos. W12007 A & B of Horseshoe Bay West Plat No. 12.6, Lot Nos. W12008-W12031 of Horseshoe Bay West Plat No. 12.1, and Lot Nos. W13001-W13021 of Horseshoe Bay West Plat No. 13.1
5. Request by Ron Mitchell of Horseshoe Bay Development Company, the Declarant for Siena Creek, for a new Zoning Classification of R-1 Single Family Townhouse in Zone 10 Siena Creek (DISCUSSION ONLY)
6. Public Hearing and recommendation to City Council on a request by Ron Mitchell of Horseshoe Bay Development Company, the Declarant for Siena Creek, to rezone Lot Nos. SC17-1 – SC17-13 and SC24-SC28 of Lot 17 Final Plat of Siena Creek Phase One in Zone 10 Siena Creek and being in the 100 Block of Maravilla Way from R-4 Multi-Family to R-1 Single Family Townhouse
7. Update on the meeting with Ron Mitchell and Sam Tarbet regarding the FLUM and the CC&Rs
8. Adjournment


Eric W. Winter, Development Services Dir.

The Planning and Zoning Commission may go into closed session, if necessary and appropriate, pursuant to the applicable section of the Texas Open Meetings Act, Texas Government Code, Chapter 551, Subchapter D, on any matter that may come before the Commission that is listed on the Agenda and for which a closed session is authorized. No final action, decision, or vote will be taken by the Commission on any subject or matter while in closed session. Any action, decision or vote will be taken by the Commission only in open meeting.

CITY OF HORSESHOE BAY
PLANNING AND ZONING COMMISSION
MINUTES OF REGULAR MEETING

July 2, 2019

The Planning and Zoning Commission of the City of Horseshoe Bay held a Regular Meeting in the Council Chambers at City Hall, located at #1 Community Drive, Horseshoe Bay, Llano County, Texas, on May 7, 2019, in accordance with the duly posted notice of said meeting.

The posted agenda for this meeting is made a part of these minutes by attachment and the minutes are herewith recorded in the order the agenda items were considered, with the agenda subject and item number shown preceding the applicable paragraph.

1. Call the Meeting to Order and Establish a Quorum:

Chairman Neil Andrew called the meeting to order at 3:00 p.m. with a quorum of Commission Members as follows:

Present

Chairman Neil Andrew

Vice-Chairman Pat Bouchard

Commission Member Brent Lane

Commission Member Edwin 'Scooter' Lofton

2. Public Comments (Those who wish to speak are asked to limit their comments to three minutes)

Mayor Steve Jordan, Peggy Jordan, Mike Thuss, Ronnie and Vicki Adcock, Mike Reilly, Greg Waldron, Sam Tarbet, Sandra Moravitz, and Lee Patterson were in attendance and only Mike Thuss signed up to speak. Mike Thuss stated that he was asked by Chairman Neil Andrew to give a short report on what the Long-Range Planning Committee had worked on. Since this item was not on the agenda, he did not speak to this topic. He mentioned that he provided Eric Winter and Lynette Morrison an unvetted, draft copy of the document he wrote for the report. He stated that he included an estimate of what he thought the last report might have cost and included in-kind and volunteer services as well.

3. Approval of Minutes of the May 7, 2019 Regular Meeting

Brent Lane stated that since Park Model Homes are not permitted under the current Zoning Ordinance, that needs to be added at the end of the 3rd paragraph of Item #4. Scooter Lofton made the motion to approve the Minutes with the added revision, seconded by Pat Bouchard. The motion was approved unanimously (4-0).

4. Petition requesting rezoning of all lots fronting on the west side of Cats Eye and its cul-de-sacs from R-2 Two Family Residential to R-1 Single Family Residential, including Lot Nos. W12007 A & B, W12008-W12031, and W13001-W13021/Vicki Adcock and Mike Riley representing 88 property owners in the immediate area (Discussion Only)

Chairman Neil Andrew recognized Vicki Adcock and Mike Reilly who represent the Petitioners on this request. Vicki said they were both homeowners on the east side of Cats Eye and that she hoped the Commission had the opportunity to read their Benefits and Values Statement that she provided to Mr. Winter. She stated they had 88 petitioners sign the petition who were very supportive of the rezoning. Additional people wanted to sign it, but it had already been turned in. She talked with Sam Tarbet who had an interest in the lots in the Wolf Creek subdivision which is only accessible by going all the way down Cats Eye. Current zoning of the 45 lots on the west side of cats eye is duplex and the 57 lots on the west side are zoned single family. Density is their biggest concern, as housing density would dramatically increase and be the highest in Horseshoe Bay West with a potential of 90 units and 180 additional cars. Property values would decrease if duplexes were built. Westgate Estates with its large lots backs up to these lots. Horseshoe Bay is a Dark Skies Community and dark sky viewing would decrease as well. In contrast, the 16 units at Escape West do not affect dark skies. Mike Reilly spoke and showed a map of the area including the holes on the golf course across Cats Eye. He said that duplex development would negatively impact the future development of Westgate and the Wolf Creek subdivision. He said that the City's adopted FLUM showed the area on the west side of Cats Eye as single family residential. He said that each duplex that is developed causes more duplexes to be built, not single family residences. He mentioned that Cats Eye is a dead-end street and additional duplex development would create traffic congestion.

Commission member Par Bouchard said that it was nice to see so many signatures on the petition. Vicki Adcock said that 1 owner of the developed duplex and another R-2 lot owner were in support. Commission Member Brent Lane asked if the R-2 lot owners were notified, to which Mr. Winter responded that they weren't, and no public notices were published, which is why the item was on the agenda for discussion only. Vicki added that she and others wanted to get ahead of it prior to any more duplex development occurring.

Mike Thuss stated that he was not representing the Horseshoe Bay POA. He stated that he thought the Commission should get more input from the R-2 lot owners beyond normal public notifications. He asked whether a petition signed by surrounding property owners could be the basis for a rezoning effort without a petition by the owners of the property. Mr. Winter said he would seek an opinion from the City Attorney regarding this. Mike Thuss invited everyone in attendance to the July 17 meeting of the POA Board. Don Hunt stated that an owner of 3 of the 4 duplex lots directly across from him told him he was not going to pursue putting duplexes on those lots, before the petition went around. Vicki Adcock asked if the next steps in the process were under the direction of the City Attorney to which Mr. Winter stated that it was under direction of City staff. Chairman Neil Andrew thanked everyone for coming and for the presentation.

5. Petition requesting rezoning of Lot Nos. SC17-1 – SC17-13 and SC24-SC28 from R-4 Multi-Family to R-1 Townhome/Ron Mitchell (Discussion Only)

Chairman Neil Andrew asked Mr. Winter to present information on this item. Mr. Winter stated after the previous petition came in, he and Stan Farmer talked about other areas that might benefit from this type of downzoning to a more restrictive use. The first one that came to mind was the multi-family lots in Siena Creek. We asked Ron Mitchell, the Declarant of Siena Creek, if he would be interested in petitioning for a rezoning to R-1, to which he said he would, but he wanted the R-1 to be R-1 Townhouse to reflect the types of units that are there, and the condominium regime they are under. Mr. Winter stated that a public hearing would be held on the new R-1 Townhouse classification at the same meeting as the rezoning petition. Mr. Winter asked if Sam Tarbet wanted to speak on that to which Sam said he did not, because that was a separate development from those of Lake LBJ Corp. Commission member Brent Lane asked if there would be replatting required for the rezoning to which Mr. Winter stated it would in order for each unit to have access to the street, but that could be done after the entire property is rezoned. Mike Thuss asked if any of the owners of the houses in the area signed a petition to which Mr. Winter replied they did not, and Ron Mitchell signed

the petition as the Declarant for the subdivision and can speak on behalf of all homeowners, so in that respect, it is similar to the previous request.

6. Staff update on new zoning classifications based on the FLUM

Mr. Winter stated that a lot of work still needed to be done between the City and the Declarant. Discussions have been held and the next one will be with Commission Member Brent Lane, Sam Tarbet and I and possibly City Attorney Rex Baker. We are hoping we can work things through, but don't want to create a lot of conflicts. A lot of issues still need to be discussed. He said he doesn't know what it's going to look like, but we will get there.

7. Adjournment

Scooter Lofton made a motion to adjourn the meeting, seconded by Brent Lane. The meeting was adjourned at 3:47 p.m.

APPROVED this 13th day of August 2019.

CITY OF HORSESHOE BAY, TEXAS

Neil Andrew, Chairman

ATTEST:

Eric W. Winter, Development Services Director



CITY OF HORSESHOE BAY
PLANNING & ZONING COMMISSION
AUGUST 13, 2019

To: Planning & Zoning Commission
Thru: Stan R. Farmer, City Manager
From: Eric W. Winter, Development Services Director
RE: Public Hearing, discussion and possible action on a recommendation to City Council regarding a request to rezone all lots fronting on the west side of Cats Eye and its cul-de-sacs from R-2 Two Family Residential to R-1 Single Family Residential, including Lot Nos. W12007 A & B Horseshoe Bay West Plat No. W12.6, Lot Nos. W12008-W12031 of Horseshoe Bay West Plat No. W12.1, and Lot Nos. W13001-W13021 of Horseshoe Bay West Plat No. W13.1

As discussed at the last P&Z meeting, a Petition with 88 signatures was submitted by owners of property surrounding the west side of Cats Eye and its cul-de-sacs. The Petitioners continue to add signatures of both surrounding property owners and owners of property included in the rezoning area, and will have an updated signed Petition at the meeting.

This is a case where lots are being proposed for rezoning that are higher density R-2 zoned lots, to a lower density R-1 classification. There is no issue with the Horseshoe Bay West CC&Rs because single family residences are also allowed in R-2. There is only one duplex which has been divided into two lots at the southeast corner of Broken Hills and Golden Nugget, which is included in this rezoning request, and which will not technically become non-conforming, as there is only one residential unit on each lot.

Surrounding zoning and land uses are:

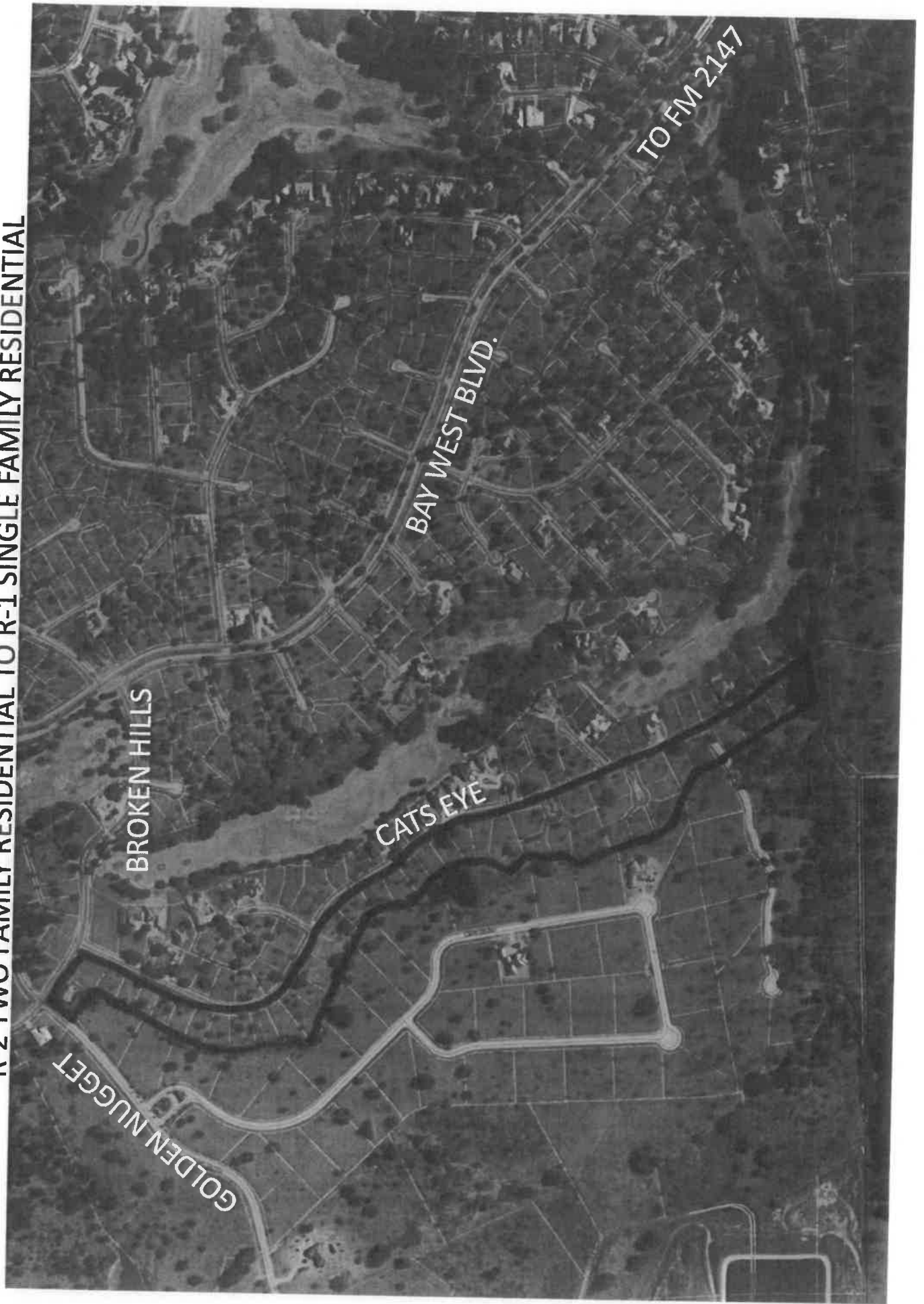
South: R-1 Single Family Residential, R-R Rural Residential and ETJ/Vacant and single family residential
North: R-1 Single Family Residential, R-2 Two Family Residential, GH Garden Home, GUI Governmental Utility and Institutional/Vacant, single family residential, Fire Department and Water Tower
West: R-1 Single Family Residential, R-4 Multi-Family Residential, RR Rural Residential and A-1 Recreational/Vacant and single family residential; and
East: R-1 Single Family Residential, R-4 Multi-Family Residential, RR Rural Residential and A-1 Recreational/Vacant and single family residential

Staff has received five e-mails from three property owners on the west side of Cats Eye and including the anonymous e-mail opposed to the rezoning. The e-mails are attached.

The FLUM shows these properties as single family residential, complementing the same use on the east side of Cats Eye. Cats Eye being a dead end street could create emergency access issues if the more intense development allowed under R-2 zoning were to occur.

Enclosures: Aerial Map with Lots Highlighted
Zoning Map
Zoning Ordinance Amendment
E-Mails in Opposition

PETITION FOR REZONING
R-2 TWO FAMILY RESIDENTIAL TO R-1 SINGLE FAMILY RESIDENTIAL



ZONING

- A1 RECREATION
- C2 COMMERCIAL
- CH REPLAT
- GH GARDEN HOME
- GUI INSTITUTIONAL, GOVT
- M1 MOBILE HOME
- R1 SINGLE FAMILY RESIDENCE
- R1V VILLA
- R2 DUPLEX
- R4 MULTI-FAMILY TOWNHOME
- R6 MULTI-FAMILY TOWNHOME



LOTS REQUESTED FOR REZONING

CITY OF HORSESHOE BAY

ORDINANCE NO. 2019 -

AMENDMENT OF CHAPTER 14 ZONING AND THE ZONING MAP TO REZONE ALL LOTS ON THE WEST SIDE OF CATS EYE FROM BROKEN HILLS TO ITS DEAD END AND LOTS ON SILICA AND SHALE FROM R-2 TWO-FAMILY RESIDENTIAL TO R-1 SINGLE FAMILY RESIDENTIAL

AN ORDINANCE OF THE CITY OF HORSESHOE BAY CHANGING THE ZONING DESIGNATION FOR ALL LOTS ON THE WEST SIDE OF CATS EYE FROM BROKEN HILLS TO ITS DEAD END AND LOTS ON SILICA AND SHALE FROM R-2 TWO-FAMILY RESIDENTIAL TO R-1 SINGLE FAMILY RESIDENTIAL IN HORSESHOE BAY, LLANO COUNTY, TEXAS; AMENDING THE ZONING MAP FOR ZONE 3 HORSESHOE BAY WEST BY CHANGING THE ZONING DESIGNATION OF ALL OF THE LOTS FROM R-2 TWO FAMILY RESIDENTIAL TO R-1 SINGLE FAMILY RESIDENTIAL; PROVIDING FOR SEVERABILITY; REPEALER; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING

WHEREAS, Chapter 14 Zoning of the City of Horseshoe Bay's Code of Ordinances provides the zoning classifications for all property in the city and a Zoning Map reflecting the classifications; and

WHEREAS, the City Council has provided public notice and has conducted a public hearing on the request to rezone all lots on the west side of Cats Eye and on Silica and Shale from R-2 Two Family Residential to R-1 Single Family Residential, as required by law;

WHEREAS, the City Council has received a recommendation from the Planning and Zoning Commission to rezone all lots on the west side of Cats Eye and on Silica and Shale from R-2 Two Family Residential to R-1 Single Family Residential; and

WHEREAS, the City Council, in the exercise of its legislative discretion has concluded that Chapter 14 Zoning and the Zoning Map for Zone 3 Horseshoe Bay West of the Horseshoe Bay City Code of Ordinances should be amended as herein described.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HORSESHOE BAY:

I. FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

II. AMENDMENT OF ZONE 3 HORSESHOE BAY WEST ZONING MAP

The Zoning Map for Zone 3 Horseshoe Bay West is hereby amended as follows:

Lot Nos. W12007 A & B of Horseshoe Bay West Plat No. W12.6, Lot Nos. W12008 to W12031 of Horseshoe Bay West Plat No. W12.1 and Lot Nos. W13001 to W13021 of Horseshoe Bay West Plat No. W13.1 are hereby reclassified to R-1 Single Family Residential.

III. EFFECTIVE DATE

This Ordinance shall be and become effective immediately upon and after its passage and publication as may be required by governing law.

IV. REPEALER

All ordinances or parts of ordinances in force when the provisions of this Ordinance become effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of such conflict.

V. SEVERABILITY

Should any part, sentence or phrase of this Ordinance be determined to be unlawful, void or unenforceable, the validity of the remaining portions of this Ordinance shall not be adversely affected. No portion of this Ordinance shall fail or become inoperative by reason of the invalidity of any other part. All provisions of this Ordinance are declared to be severable.

VI. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

ADOPTED AND APPROVED on this the 27th day of August, 2019 by a vote of the City Council of the City of Horseshoe Bay, Texas.

CITY OF HORSESHOE BAY, TEXAS

Steven T. Jordan, Mayor

Attest:

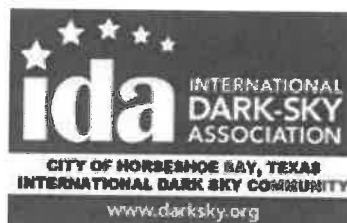
Kerri Craig
City Secretary

Eric Winter

From: Stan Farmer <sfarmer@horseshoe-bay-tx.gov>
Sent: Wednesday, July 17, 2019 9:55 AM
To: 'Eric Winter'
Subject: FW: Zoning changes

Share with P&Z please.

Stan R. Farmer MPAff, MPA, AICP, CPM, ICMA-CM
City Manager
City of Horseshoe Bay, Texas
830.598.9940 Office
www.horseshoe-bay-tx.gov



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From: Bob Lang <brl22@hotmail.com>
Sent: Monday, July 15, 2019 12:56 PM
To: sfarmer@horseshoe-bay-tx.gov
Subject: Zoning changes

Mr. Farmer,

I own a lot on Shale which I purchased around 1987 with the promise that I could build a duplex on that property. I think it would be dishonest and unfair to revoke a zoning change to appease a few property owners who now want to revise an existing rule that helped convinced some of us to buy these lots. I think the current disgruntled home owners should have been aware that some lots were zoned for duplexes. Needless to say, I am opposed to the zoning change and I hope you will agree with those of us who do!!

Thank you.

Bob Lang

Sent from [Outlook](#)

Eric Winter

From: Michael Barker <michael.barker22@gmail.com>
Sent: Sunday, August 04, 2019 7:44 AM
To: ewinter@horseshoe-bay-tx.gov
Cc: heidib16@yahoo.com; stopcatseyerezoning@gmail.com
Subject: Objection to rezoning my property

Mr. Winter,

My name is Michael Barker. I own lot w12019 on Cats Eye in Horseshoe Bay and am opposed to a zoning change.

I have owned the property since 2004 when I bought it after returning from Iraq. My wife and I have been planning to build on the lot and retire there since that time. We are just finishing the design for a custom duplex and the plan is to live on one side and rent the other side to supplement my military retirement.

This change in zoning will impact me both personally and financially as I have already begun the final stages of design with Delineations architecture in Marble Falls.

I will try to attend the hearing on August 13, 2019 but wanted to urge the Committee to reject the proposal.

Respectfully,

LTC Michael Barker
Lot W12019

Eric Winter

From: Bob Lang <brl22@hotmail.com>
Sent: Monday, July 15, 2019 1:05 PM
To: ewinter@horseshoe-bay-tx.gov
Subject: Zoning change

Mr. Winter,

I am opposed to the zoning changes that have been submitted to you and your committee for consideration. I have been a long time property owner there, on Shale, and think it would be grossly unfair to us that have zoned duplex lots. Those who constructed houses near or adjacent to larger lots for duplexes should have considered the rules before they decided to build there. I am opposed to the zoning change.....hope you agree!!

Thank you,

Bob Lang

Sent from Outlook

Eric Winter

From: Cats Eye <stopcatseyerezoning@gmail.com>
Sent: Wednesday, July 10, 2019 7:25 PM
To: sfarmer@horseshoe-bay-tx.gov; ewinter@horseshoe-bay-tx.gov
Cc: stopcatseyerezoning@gmail.com
Subject: Open Letter RE the Cats Eye Rezoning Proposal

I. The petition in support of exclusionary rezoning of Cats Eye lacks legitimacy

First let's address the petition itself. None of the petition signatures are dated, and not all are properly witnessed, and the witness signatures themselves are also not dated, thus the veracity of each individual signature is contestable. Putting aside those formalities, the petition suffers from other more substantive issues.

If presented with a "petition" put forth in favorable terms, e.g. "fewer housing units/less development in the area would be good, right?"; then most well-meaning folks would express support and readily sign. That may be understandable, but a petition doesn't foster full consideration of the issues. This is why a zoning proposal affecting property rights cannot start and end with a mere petition. Rights are not determined by numerical considerations, and here, the numbers themselves appear suspect.

Many line entries are duplicative. While some couples signed properly as a single entry, others signed separately thus inflating the numbers. Even more noteworthy, a comparison of the addresses of the petition signatories with the Cats Eye area on Google Maps indicates that approximately 75% or more of signers are not in fact in the "immediate area" as defined by a 500 ft radius from Cats Eye, with most much further away. This is important. How can a property owner residing a great distance away reasonably suffer the negative effects that the petition claims? A few signers were from main HSB, others as far away as AppleHead Island, etc. An effect on the larger community one may argue, but that falls short as well. Some of these signers are geographically closer to The Enclave, a high density, multi-unit complex already in the area. Do those owners' who signed the petition contend that their values have diminished because of The Enclave? Several signers actually reside in the Escape West complex, which is itself a community of R2 duplexes! Do those duplex residents actually believe that other duplexes all the way on the other side of Broken Hills will harm them? Interestingly, one property owner took the position "what's OK for me is not OK for others" and signed the petition despite actually residing in a duplex in the very R2 area that is subject to the proposed rezoning.

Perhaps even more glaring, a check of county records appears to indicate that none of the Cats Eye lot owners whose property rights are at stake signed the petition. How do the petition advocates square that with principles of fair play and due process? Were any of those owners' opinions sought? After all, it is their property rights which are being affected. In summary, the "petition" appears to be a concerted effort by a select few property owners to inflate support for their own narrow self-interests.

II. The interests and motives behind the petition appear suspect

At this point, let's not forget what those interests are and bear in mind that each of the main proponents who would supposedly be damaged by R2 development willingly purchased their properties across the street from lots zoned R2. They had full opportunity to conduct their due diligence at the time of purchase and willingly accepted the risk that those lots could someday be developed as zoned. Caveat emptor precludes any buyer remorse now that development is underway.

There has been no change in circumstances other than there is currently a wave of development in the area; and thus now these few owners choose to essentially rewrite their original risk calculation and impose upon others their current exclusionary preferences. That is not what a proper rezoning request should be predicated upon. Later development that was foreseeable at the time of purchase is not a change of circumstances justifying a zoning change. To rezone

without a substantial change in community circumstances is explicit exclusionary zoning and may even risk being designated an illegal "spot zoning" intended to favor a select residents. Importantly, R2 is inclusive of both single family and duplex, thus making R1 a reduction of development rights and options for those owners and thus also lowering the marketability of those properties. This is in fact a taking of a portion of property right. Buyers purchasing R2 properties should expect that that option cannot be stripped away by the whims of a few worry prone, self-interested neighbors.

III. The rationale put forth in the petition is specious and unfounded

1. Parking and traffic:

The petition offers up an arbitrary projection of the number of automobiles that could result from R2 units. That calculation is in conflict with actual studies conducted on this issue of vehicle density by housing type¹. The data shows that the ratio of cars per unit of multi-unit housing as compared to single family homes is actually lower, not higher. In short, single family homes more often have at least two vehicles. (The average in HSB could be >2, particularly if one counts golf carts.) Multi-family units are more likely to have a single vehicle per household. Those are the facts. Moreover, again recall that single family homes are included in R2, making it exceedingly unlikely that all 45 lots in question will be duplex units.

2. "The high quality of Horseshoe Bay West will be compromised."

This statement is shocking in its lack of foundation and tacit elitism. Architectural standards of R2 units will be no different than single family units except for size, thus what is being implied here is at best unclear.

3. "Property values will go down."

Again, no foundation and the motives appear suspect, because the data says otherwise. As mentioned above, do those properties currently neighboring the two existing multi-unit housing complexes in HSB West complain of diminished value? This is absurd. Architectural controls are in place and a mix of development type would actually add value through increased demand.

In the documents it was also stated that one of the petition sponsors apparently reported that a single-family home buyer/builder apparently opted out due to the existence of R2 zoning across the street. Not only is that unsubstantiated and rings convenient coming from a sponsor of the petition, but if true, it is proof that some buyers do in fact conduct proper due diligence. Why did the petition sponsors not do the same?

IV. Summary

For the reasons outlined above, there is no reasonable basis for the proposed exclusionary rezoning. There are, however, a multitude of good reasons to oppose it. The petition itself and most of the arguments put forth in favor of exclusionary rezoning are questionable, as either unfounded or red herrings to deflect away from the misguided motives of a select few. The proposed rezoning is zoning of the worst kind; it is exclusionary to future residents and damaging to the rights of current property owners.

As uncomfortable as it may be, we have to address the undercurrents of bias, false presumption and unwarranted fear playing a role in the proposal. It is a flawed presumption to presuppose that housing that's a little smaller and perhaps less expensive will attract people who may be less desirable. Any bias or fear underlying that concern is unfortunate. The country is changing, Texas is changing and HSB is changing. HSB desperately needs a little variety that R2 housing could bring. We should not be putting up impediments to those perhaps a little younger, those of lesser means or families of varying background. HSB needs them, they will enrich the community and should be embraced, not feared. The original

developers were wise enough to foresee that value and need and current residents should be as well. In short, very few of those lots will end up duplexes, the ones that do will be nice, and the people in them likely nice as well. Move on, there are more serious things going on in this world to be worried about.

The rezoning proposal should be soundly rejected.

The Cats Eye Coalition for Common Sense

Eric Winter

From: Doug McKinney <doug@hireunow.com>
Sent: Monday, July 08, 2019 2:12 PM
To: sfarmer@horseshoe-bay-tx.gov
Cc: ewinter@horseshoe-bay-tx.gov; stopcatseyerezoning@gmail.com; Doug McKinney
Subject: HB lots 12013 and 12012

Stan

I am a long time owner at HB and have had my lots since the late 80's, I plan on building multi units, on these lots as part of my retirement plan. Should my lots status change that would be depriving me, of either 4 sales/rentals..and make it two. Are you going to provide me the extra income, or give me two additional lots, to make up for what I paid for.

My name is Douglas Mckinney, and I own 3 lots in HB, 12013, 12012, on Cats Eye and a single residence at 2146 cat canyon. I want to go on record as OPPOSED, to a zoning change, that would limit, my development options! I am going to try and change my schedule and attend the meeting, but, I strongly urge the committee to reject the proposal. If You have any questions, please call or email me
Thanks Doug

Doug McKinney
Exclusive Search, Inc.
5789 Williamsburg Drive
Highland Heights, OH 44143
Ph: 440-461-7900
Fax: 440-461-6986
Cell: 216-374-9385
Email: doug@hireunow.com
www.linkedin.com/pub/doug-mckinney-cpc/4/17a/634



CITY OF HORSESHOE BAY
PLANNING & ZONING COMMISSION
AUGUST 13, 2019

To: Planning & Zoning Commission
Thru: Stan R. Farmer, City Manager
From: Eric W. Winter, Development Services Director
RE: Request by Ron Mitchell of Horseshoe Bay Development Company, the Declarant for Siena Creek, for a new Zoning Classification of R-1 Single Family Townhouse in Zone 10 Siena Creek (DISCUSSION ONLY)

In asking for rezoning of the R-4 lots in Siena Creek, Ron Mitchell requested that they be zoned R-1 Single Family Townhouse rather than R-1 Single Family Residential. In order to do that, Ron has asked his attorney to prepare an amendment to the Siena Creek CC&Rs to create a new R-1 Single Family Townhouse classification that should make all existing single family residences in conformance with the new regulations. The new regulations were not prepared by the time that public notices needed to be done for the new classification, so this item is on the agenda for discussion only.

Since there will not be a classification for the R-4 lots in Siena Creek to be rezoned to, the rezoning item will need to be continued to the September meeting.

Enclosures: None



CITY OF HORSESHOE BAY
PLANNING & ZONING COMMISSION

AUGUST 13, 2019

To: Planning & Zoning Commission
Thru: Stan R. Farmer, City Manager
From: Eric W. Winter, Development Services Director
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Since there will not be a classification for the R-4 lots in Siena Creek to be rezoned to, the rezoning item will need to be continued to the September meeting.

Enclosures: None



CITY OF HORSESHOE BAY

PLANNING & ZONING COMMISSION

AUGUST 13, 2019

To: Planning & Zoning Commission
From: Eric W. Winter, Development Services Director
RE: Other Agenda Information

This Memo provides some additional information on Item 7 on the Agenda:

- 7. Brent Lane and I have provided a summary of each of our notes from the meeting with Sam Tarbet and Ron Mitchell regarding the FLUM and the CC&Rs. The two notes are attached. We will be happy to answer any questions you may have at the meeting. Rex Baker also attended this meeting and his notes will be distributed at the meeting.**

BRENT LANE NOTES FROM MEETING WITH SAM TARBET, RON MITCHELL,
ERIC WINTER & REX BAKER 7/12/19

Background from Ron:

- Formation of HSB
 - Ordinances & Zoning mirror CC&Rs
 - Declarant/POA/ACC enforce CC&Rs
- Original intent
 - Protect privacy and property rights
 - Access amenities through ownership
 - Not allow for or provide public access
- FLUM
 - Not real - future intent/possibilities
 - Subject to all property owners
- Actions
 - Don't publicize FLUM, just have it at Development Services
 - Define Mixed Use – needs to allow use types included in C-3 Summit Rock
 - Revise the FLUM with Council approval
 - Integrate in new Long Range Comprehensive Plan
 - Regular meetings between P&Z and ACC – twice per year

NOTES FROM MEETING WITH SAM TARBET AND RON MITCHELL
BRENT LANE, CITY ATTORNEY REX BAKER AND ERIC WINTER
JULY 12, 2019

Ron Mitchell began the meeting discussing the history of the Horseshoe Bay development and the basics of the CC&Rs, including protection of privacy and property rights, especially for lot owners along the lake, restricting public access. Ron and Sam discussed several areas where the FLUM would create issues with existing development, including the townhouses behind the Horseshoe Bay Center (Lake LBJ Corp. offices), which are shown on the FLUM as Mixed Use. Ron stressed that he would have fewer issues with the FLUM if Mixed Use was defined, and especially if it included some or all of the uses allowed in the C-3 classification in Summit Rock, including hospitals, hotels and apartments. Rex Baker emphasized that the FLUM is not zoning, but an expression of how the community wanted the future land use to look like in map form, and that many of the proposed uses may not ever be developed. Eric Winter mentioned that the FLUM was a guide for land use decisions by the P&Z and City Council and that it was based on the Long Range Comprehensive Plan developed by the Committee, and including the desires of 1,400 residents as provided through a community survey, which represented more than 1/3 of the full-time residential population.

Discussion became a little heated between Rex Baker and Ron Mitchell about CC&Rs and cities' rights to rezone property, regarding enforcement of the CC&Rs through lawsuits to maintain their regulatory authority, as well as uphold the City's zoning regulatory authority for the common good.

After much additional discussion, it was agreed that there needed to be more communication between the P&Z and the Declarant and the ACC regarding land use plans, ordinances and decisions. It was suggested that P&Z and Ron and Sam should schedule two meetings per year to keep each other in the loop on activities and proposals. Ron and Sam also suggested that the FLUM should not be openly publicized, but be available for inspection at Development Services.

Submitted by: Eric Winter